

MONTANA LEGISLATIVE HISTORY

Chapter 155 19 87

Bill H 197 S _____

Original bill & history ✓ c

H. Committee on Judiciary

Hearing Date(s) Jan 20 ✓ c

_____ c

_____ c

_____ c

Date Out Jan 20 ✓ c

S. Committee on Judiciary

Hearing Date(s) Mar 06 ✓ c

_____ c

_____ c

_____ c

Mar 06 ✓ c

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

HOUSE FINAL STATUS

TRANSMITTED TO SENATE

1/30	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY	
3/09	HEARING	
3/10	COMMITTEE REPORT--BILL CONCURRED	
3/13	2ND READING CONCURRED	50 0
3/16	3RD READING CONCURRED	50 0

RETURNED TO HOUSE

3/19	SIGNED BY SPEAKER
3/19	SIGNED BY PRESIDENT

3/20 TRANSMITTED TO GOVERNOR

3/24	SIGNED BY GOVERNOR
	CHAPTER NUMBER 195 EFFECTIVE DATE: 10/01/87

-3 197 INTRODUCED BY GRADY
OPERATING MOTOR VEHICLE WITHOUT LIABILITY INSURANCE
-- INCREASE PENALTIES

1/14	INTRODUCED	
1/14	REFERRED TO JUDICIARY	
1/20	HEARING	
1/23	COMMITTEE REPORT--BILL PASSED AS AMENDED	
1/27	2ND READING PASSED AS AMENDED	88 11
1/29	3RD READING PASSED	86 10

TRANSMITTED TO SENATE

1/30	REFERRED TO JUDICIARY	
3/06	HEARING	
3/07	COMMITTEE REPORT--BILL CONCURRED	
3/12	2ND READING CONCURRED	49 0
3/14	3RD READING CONCURRED	43 7

RETURNED TO HOUSE

3/17	SIGNED BY SPEAKER
3/17	SIGNED BY PRESIDENT

3/18 TRANSMITTED TO GOVERNOR

3/22	SIGNED BY GOVERNOR
	CHAPTER NUMBER 155 EFFECTIVE DATE: 10/01/87

-3 198 INTRODUCED BY ROTH
REQUIRE TEACHERS/SPECIALISTS WITH COOPERATIVES TO
REGISTER CERTIFICATES
BY REQUEST OF OFFICE OF PUBLIC INSTRUCTION

1/14	INTRODUCED	
1/14	REFERRED TO EDUCATION & CULTURAL RESOURCES	
1/28	HEARING	
1/28	COMMITTEE REPORT--BILL PASSED	
1/30	2ND READING PASSED	89 5
1/31	3RD READING PASSED	94 0

TRANSMITTED TO SENATE

2/02	REFERRED TO EDUCATION & CULTURAL RESOURCES	
3/18	HEARING	
3/19	COMMITTEE REPORT--BILL CONCURRED	
3/23	2ND READING CONCURRED	48 0
3/25	3RD READING CONCURRED	49 0

RETURNED TO HOUSE

3/28	SIGNED BY SPEAKER
3/30	SIGNED BY PRESIDENT

HOUSE BILL NO. 197
INTRODUCED BY GRADY

IN THE HOUSE

JANUARY 14, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 23, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 24, 1987	PRINTING REPORT.
JANUARY 27, 1987	SECOND READING, DO PASS AS AMENDED.
JANUARY 28, 1987	ENGROSSING REPORT.
JANUARY 29, 1987	THIRD READING, PASSED. AYES, 86; NOES, 10.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 30, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 7, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 12, 1987	SECOND READING, CONCURRED IN.
MARCH 14, 1987	THIRD READING, CONCURRED IN. AYES, 43; NOES, 7.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 14, 1987	RECEIVED FROM SENATE.
	SENT TO ENROLLING.

-End-

proposes. Rep. Cobb stated he just wanted the landowners to have some compensation but he realized the department must have money for their warden retirement fund. Rep. Addy asked Mr. Flynn what he thought about the doubled fine idea and he stated the department had no problem with increasing the fine but had problems with the approach outline in the bill. Rep. Mercer asked Rep. Cobb if the purpose of the bill basically boiled down to the fact that it was not worth it to the landowner to go to court and get it resolved because of the time and effort. Rep. Mercer then asked if the bill would make a partnership out of the wardens and landowners so that each would have reason to enforce the law so both got something out of it. Rep. Cobb stated that with the bill, both sides would be compensated.

Rep. Cobb closed the hearing on HB 192.

HOUSE BILL NO. 197: Rep. Grady, sponsor, District No. 47, stated HB 197 addressed a very serious situation. It raised the fine for not having liability insurance from \$250.00 to \$1,000.00 or six months in jail or both. He pointed out that one out of ten people are not carrying liability insurance. He submitted a fact sheet showing the cost of insurance which was a random survey he took of three different insurance companies. (Exhibit A). The fact sheet shows that the cost of insurance was almost twice as much as the fine for not carrying liability insurance. He also submitted a letter from Col. R. W. Landon, Montana Highway Patrol, showing that in 1986, 7,413 arrests were made for violations of the insurance statute. (Exhibit B).

PROPOSERS: ALICE L. ARMSTRONG, stated she was a recent statistic of a head on collision with a drunk driver who was not insured. It was his second DUI in about two months. She pointed out that he was fined \$505.00 with \$200.00 suspended and for not carrying insurance, he was fined \$255.00 with \$200.00 being suspended. She strongly urged support for HB 197. She submitted written testimony. (Exhibit C).

BILL LANNAN, stated he was also hit by an uninsured driver in 1986, and incurred over \$13,000.00 in medical expenses. The present law was an economic advantage to the motorist to not have liability insurance and HB 192 provided an economic incentive to carry liability insurance.

GORDON MORRIS, M.D., stated HB 192 was a step in the right direction and suggested it did not go quite far enough because he suggested not only a higher fine, but court ordered restitution in cases of sheer negligence.

KARL ENGLAND, Montana Trial Lawyers Association, said that cases involving uninsured motorists were a mess and anything the legislature can do to encourage people to comply with the mandatory insurance requirements was a step in the right direction.

LARRY MAJERUS, Motor Vehicles Division, stated the department had not taken a position on HB 192 but wanted to impart some information. He explained there were two different types of violations under the mandatory insurance law. One pertains to not having any insurance and the other pertains to not carrying proof of insurance in the vehicle. The statute did say that if you were cited for not carrying insurance in your vehicle and you, in fact, had insurance, you can show that proof at a later time to the judge or the arresting officer and it would be dismissed.

REP. MILES went on record in favor of this bill.

There were no further proponents and no opponents.

QUESTIONS (OR DISCUSSION) ON HOUSE BILL NO. 197: Rep. Addy told Dr. Morris there was a suspension procedure when a judgment was not paid and you could suspend the drivers license.

Rep. Grady stated, in closing, the problem was here and people were put in a serious financial situation. The best way to get everyone to carry insurance was to put a large fine on the violation.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 9:20 a.m.



EARL LORY, Chairman

DAILY ROLL CALL
JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date *January 20, 1987*

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)		✓	
FRITZ DAILY (D)		✓	✓
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

Liability Rates
Safes - 3 different
Insurance Co.

Age 21 & single
applies to both male & female
\$100,000.00 liability
183.30 every 6 months
300,000.00
450. 214.90 - 6 months

Age 30 -
100,000.00
109.40 - 6 months
300,000.00
300. 122.10 6 months

New & Use cars -

doesn't make any difference

AT B
JAN 1-20-87
HC #197



Col. R. W. Landon, Chief

January 19, 1987

Representative Grady,

Captain Wood told me that you needed some data on liability insurance for automobiles.

During 1986 the Patrol issued 8,440 written warnings and 7,413 arrests for violations of the current insurance statute.

We stopped a total of 156,623 traffic violators. This indicated that one in ten traffic violators has something wrong with his/her auto liability insurance.

If we may be of help to you on any other matters, feel free to call us at 444-3780.

RWL
RWL

EXHIBIT C

DATE 1-20-87

HB #197

2919 Country Club Avenue
Helena, Montana 59601
January 20, 1987

Members of the committee for the record I am Alice L. Armstrong of Helena, Montana.

I am in support of HB 197 to increase penalties for operating a motor vehicle without liability insurance.

I am a recent statistic of a head on collision with a drunken driver who was not insured. This was his second DUI in about two months. His first DUI was not reported to the highway patrol so this offense was not recorded and he was not fined accordingly. For hitting me he was fined \$505.00 with \$200.00 suspended. For not being insured he was fined \$255.00 with \$200.00 being suspended.

The accident did a total of nearly \$2,000.00 damage to my car. My insurance paid all costs except the deductible. The cost of this accident to me was \$200.00 cash and three weeks loss of the use the car.

The uninsured driver should be financially responsible for his negligent behavior. Anyone driving a motor vehicle needs to be insured to absorb the costs of an accident.

Fortunately for me I was not hurt because I was wearing a seat belt. I strongly urge you to support HB 197.

VISITOR'S REGISTER

JUDICIARY

COMMITTEE

AGENCY(S)

DATE January 20, 1987

DEPARTMENT

PLEASE PRINT.....

NAME	REPRESENTING	SUP- PORT	OP- POSE
DAVID LACKMAN	MT Public Health Assn. HB163	X	
Alice L ARMSTRONG	SELF HB197	X	
Larry Majerus	Motor Vehicles HB143	X	
M.E. Mickey Nelson	LAC Co. D.U.I. Task Force HB143	X	
Kathy Seeley	Dept of Justice	X	
MARK J MURPHY	DOT HB163	X	
David N Hull	City of Helena	X	
Richard E. Hildner	LAC DUI TASK FORCE HB143		
GORDON MORRIS	HELENA HB197	X	
Rayleen Beaton	City of Helena Commission	X	
Brookes Morin	City of Helena	X	
Carol Mesher	Mt. Stockgrowers HB192 Mt. Cattle Women	X	
Bill Larran	Self Helena HB197	X	
Major Watson	Mt. Assoc. of Churches HB163	X	
Mike Murray	Chemical Dependency Programs (HB163) OS Montana	X	
Jo Brunner	Cattlemen HB192	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 6, 1987

The thirty-seventh meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on March 6, 1987 by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HB 197: Representative Ed Grady of Cannon Creek introduced HB 197 (see Exhibit 1).

PROPOSERS: Gordon Morris, representing himself, explained a story about a car in Missoula, Montana that was his and it was parked by a sorority and it was totaled by some college kids that came around the corner and hit it. He said he had to fight with his insurance company because the people that hit his car were uninsured people. He said the people ended up paying the minimum fine and he lost his insurance policy over the deal.

Bill Lannon, representing himself, explained how a year ago he was struck by a car with uninsured motorist in it. He said the man paid a minimum fine and he has so far paid around \$13,000 in medical expenses, and still has quite bit more time in the hospital to come because of operations. He felt uninsured motorist should not be able to drive.

Alice Armstrong, representing herself, said she was a victim of a drunk driver accident. She felt if one can afford to drive a car, they can pay for insurance.

Karl Englund, Montana Trial Lawyers Association, supported the bill because it is a real mess to collect from an uninsured motorist.

OPPOSERS: Mike Koehuke, representing himself, handed out some amendments (see Exhibit 2). He explained he lives on a ranch in Townsend and he has a neighbor that was hit by another motorist. He said the neighbor had never had a ticket in his life, but when he went to put a claim on his insurance for this accident, the insurance company informed him that one of his premium payment checks bounced. He explained that there was one day because of this that the neighbor was uninsured. He pointed out the officer gave the neighbor a ticket for not carrying insurance. The judge did not press any fine against the neighbor because the judge felt the gentlemen just didn't know that the check had bounced and so, therefore the judge let him go, on the grounds that he didn't willfully not want to get insurance. He said he also has an 18 year old boy working on his

place and the boy was caught night speeding near Bozeman. He explained that the boy had no insurance. He said the boy got another nighttime speeding ticket and this time spent two days in jail and around \$610 worth of fines for not having insurance. He said the amendment will still present a fine but not as stiff as one that is purposed in the bill, because many times the uninsured people are young people because it is too expensive or it is an older person who can't afford it either.

DISCUSSION ON HB 197: Senator Beck asked Representative Grady if the bill address the court order reimbursements that some have brought up. Representative Grady said the bill doesn't address that.

Senator Pinsoneault asked Mike McGrath, Lewis and Clark County Attorney, if the judge could give a person 30 days to pay his fine and if he doesn't pay the fine for not having insurance, could the judge then order the 10 days in jail according to this amendment presented. Mr. McGrath said that could be done.

Representative Grady closed by giving a letter to the committee from a Captain Wood (Exhibit 1A).

CONSIDERATION OF HB 301: Representative Rapp Svrcek of Thompson Falls introduced HB 301 (see Exhibit 3).

PROPOSERS: Mike McGrath, Lewis and Clark County Attorney, said the bill is patterned to many other laws in other states. He said under the present law if a person lives after an assault there is no charge that we can charge the assailant with, such as nurses who are drug addicts will change a patients medicine so the nurse can have it and if the person who took the wrong medicine lives, the state of Montana has nothing they can charge that nurse with.

Mark Murphy, Assistant Attorney General, presented several different states statutes to the committee on this issue (see Exhibit 4). He also presented two cases dealing with this issue (see Exhibit 5).

OPPOSERS: None

DISCUSSION ON HB 301: Senator Crippen asked if there was not a way at all to charge in this state someone for tampering with medicine in a grocery store. Mr. McGrath said we could charge them with misdemeanor criminal mischief. Senator Mazurek asked why it was necessary to reduce the cause standard and the serious bodily injury. Mr. McGrath replied that the "approximate" is dropped because it is not a criminal standard. He said serious bodily injury was dropped because that is a high standard too. Senator Mazurek felt the bill will make every car accident that had negligence involved in it a criminal matter. Mr. McGrath said the statute says right now one has to be under the influence before one can

using one acre for planting marijuana in the middle of the thousand acres, would the whole thousand acres be forfeited. Mr. Murphy answered that the 999 acres could be interpreted as a covert system to hide what they have in the middle and that would make the whole thousand acres possible forfeiture item. Senator Yellowtail felt the the real property language in the bill was confusing.

Senator Mazurek asked again if a farmer in Yellowstone Valley has a crop of marijuana in his garden, could he lose his house and land. Mr. Murphy said as a general rule no. Senator Mazurek asked why he would say that; what language in this bill would limit that from happening. Mr. Murphy said he didn't know what language would limit that action. Mr. Murphy echoed that if both bills pass, this language on real property will be eliminated..

Representative Brandewie closed by saying this bill is for more than the drug of marijuana, but for all drugs.

Senator Beck asked if drugs were grown on federal land would it be subject to foreclosure or whatever. Mr. Murphy said the federal government has a program that looks to see if anyone is using their property for drug growing. He said it is found quite a bit on federal lands. He said the cause of connection has to be between the property and the operation.

The committee adjourned to do executive session.

ACTION ON HB 197: Senator Yellowtail felt the bill will not make those who can't afford insurance afford it. Senator Beck asked if the judge can order court reimbursement to the party that was injured; maybe just for auto repairs. Senator Halligan stated that restitution is part of the sentencing process usually. Senator Halligan said the bill will not harm anything, but it will not help either. Senator Pinsoneault said if a person make restitution quickly, then the judge usually does go easy on a person. Senator Galt moved the bill BE CONCURRED IN. The motion CARRIED with Senators Yellowtail and Halligan voting no.

ACTION ON HB 301: Valencia commented on the bill (see Exhibit 3). Senator Halligan stated that the bill could never handle the doctor issue that the Senator Crippen asked about. He said that is just way to complicated for this statute to handle it. Senator Pinsoneault said it is very difficult to show that a person purposefully caused injury to another in the kind of incidents that the committee has talked about. The committee decided to wait on the bill because of Valencia's comments on the bill. Senator Yellowtail asked if a person drinks a case of beer and gets into a car, is that person guilty of criminal endangerment or is it negligence endangerment. Senator Halligan said an prosecuting

EXHIBIT NO. 1
DATE March 6, 1987
BILL NO. HB 197

SUMMARY OF HB197 (GRADY)
(Prepared by Senate Judiciary Committee staff)

HB197 increases the penalty for operating a motor vehicle without a valid liability insurance policy. Under current law, the penalty is a fine not to exceed \$250 or county jail for not more than 10 days, or both. As originally drafted, the penalty was increased to \$1,000 and 6 months. As amended, the bill now provides for a penalty of a fine of not less than \$250 and not to exceed \$500 or jail for not more than 10 days, or both. That is, the jail time remains the same as current law and the fine is increased from a maximum of \$250 to a minimum of \$250 and maximum of \$500.

COMMENTS: None.

C:\LANE\WP\SUMHB197.



Col. R. W. Landon, Chief

January 19, 1987

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RWL
RWL

AMENDMENT TO HOUSE BILL 197

Amend House Third Reading (Blue Copy)

1. Page 1, line 22.

Following: "both."

Insert: "However, on failure to pay a fine imposed under this section, the offender may be incarcerated in the county jail until the fine or others costs imposed by the court be satisfied in the proportion of 1 day's imprisonment for every \$25 of fine or costs, provided that the total time of imprisonment shall not exceed 10 days per violation."